

05-14-01

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside

10/60/50
1996 U.S. PTOUTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 14058-009811

First Inventor Cheever, Martin, et al.

Title HER-2/NEU FUSION PROTEINS

Express Mail Label No. EL 827035155 US

PRO

09/854356

05/09/01

APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages 92]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 32]
- Oath or Declaration [Total Pages 2]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper number of pages 33
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. §3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed) ..
16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. Other: Most of the enclosed documents are from the PARENT application, including Request for Correction of Recorded Assignment.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No: 09/493,480

Prior application information: Examiner J. Hunt

Group Art Unit: 1642

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	20350 (Insert Customer No. or Attach bar code label here)	or <input type="checkbox"/> Correspondence address below
---	--	--

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Annette S. Parent	Registration No. (Attorney/Agent)	42,058
Signature	Annette S. Parent		Date May 9, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.
SF 1220770 v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 710

Complete If Known	
Application Number	Unknown
Filing Date	May 9, 2001
First Named Inventor	Cheever, Martin, et al.
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	14058-009811

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																																																			
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text" value="20-1430"/></p> <p>Deposit Account Name <input type="text" value="Townsend and Townsend and Crew LLP"/></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td><input type="text"/></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td><input type="text"/></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td><input type="text"/></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td><input type="text"/></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td><input type="text"/></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td><input type="text"/></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td><input type="text"/></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td><input type="text"/></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td><input type="text"/></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td><input type="text"/></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td><input type="text"/></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td><input type="text"/></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td><input type="text"/></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td><input type="text"/></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td><input type="text"/></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td><input type="text"/></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td><input type="text"/></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td><input type="text"/></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td><input type="text"/></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td><input type="text"/></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td><input type="text"/></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td><input type="text"/></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt.</td><td><input type="text"/></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td><input type="text"/></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td><input type="text"/></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td><input type="text"/></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td><input type="text"/></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td><input type="text"/></td></tr> <tr> <td colspan="6">Other fee (specify)</td> </tr> <tr> <td colspan="6">The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) (\$0)</td> </tr> </tbody> </table>				Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	<input type="text"/>	127	50	227	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>	139	130	139	130	Non-English specification	<input type="text"/>	147	2,520	147	2,520	For filing a request for reexamination	<input type="text"/>	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>	113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>	115	110	215	55	Extension for reply within first month	<input type="text"/>	116	390	216	195	Extension for reply within second month	<input type="text"/>	117	890	217	445	Extension for reply within third month	<input type="text"/>	118	1,390	218	695	Extension for reply within fourth month	<input type="text"/>	128	1,890	228	945	Extension for reply within fifth month	<input type="text"/>	119	310	219	155	Notice of Appeal	<input type="text"/>	120	310	220	155	Filing a brief in support of an appeal	<input type="text"/>	121	270	221	135	Request for oral hearing	<input type="text"/>	138	1,510	138	1,510	Petition to institute a public use proceeding	<input type="text"/>	140	110	240	55	Petition to revive - unavoidable	<input type="text"/>	141	1,240	241	620	Petition to revive - unintentional	<input type="text"/>	142	1,240	242	620	Utility issue fee (or reissue)	<input type="text"/>	143	440	243	220	Design issue fee	<input type="text"/>	144	600	244	300	Plant issue fee	<input type="text"/>	122	130	122	130	Petitions to the Commissioner	<input type="text"/>	123	50	123	50	Petitions related to provisional applications	<input type="text"/>	126	180	126	180	Submission of Information Disclosure Stmt.	<input type="text"/>	581	40	581	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>	149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>	179	710	279	355	Request for Continued Examination (RCE)	<input type="text"/>	169	900	169	900	Request for expedited examination of a design application	<input type="text"/>	Other fee (specify)						The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.						*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$0)	
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																		
105	130	205	65	Surcharge - late filing fee or oath	<input type="text"/>																																																																																																																																																																																																		
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>																																																																																																																																																																																																		
139	130	139	130	Non-English specification	<input type="text"/>																																																																																																																																																																																																		
147	2,520	147	2,520	For filing a request for reexamination	<input type="text"/>																																																																																																																																																																																																		
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>																																																																																																																																																																																																		
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>																																																																																																																																																																																																		
115	110	215	55	Extension for reply within first month	<input type="text"/>																																																																																																																																																																																																		
116	390	216	195	Extension for reply within second month	<input type="text"/>																																																																																																																																																																																																		
117	890	217	445	Extension for reply within third month	<input type="text"/>																																																																																																																																																																																																		
118	1,390	218	695	Extension for reply within fourth month	<input type="text"/>																																																																																																																																																																																																		
128	1,890	228	945	Extension for reply within fifth month	<input type="text"/>																																																																																																																																																																																																		
119	310	219	155	Notice of Appeal	<input type="text"/>																																																																																																																																																																																																		
120	310	220	155	Filing a brief in support of an appeal	<input type="text"/>																																																																																																																																																																																																		
121	270	221	135	Request for oral hearing	<input type="text"/>																																																																																																																																																																																																		
138	1,510	138	1,510	Petition to institute a public use proceeding	<input type="text"/>																																																																																																																																																																																																		
140	110	240	55	Petition to revive - unavoidable	<input type="text"/>																																																																																																																																																																																																		
141	1,240	241	620	Petition to revive - unintentional	<input type="text"/>																																																																																																																																																																																																		
142	1,240	242	620	Utility issue fee (or reissue)	<input type="text"/>																																																																																																																																																																																																		
143	440	243	220	Design issue fee	<input type="text"/>																																																																																																																																																																																																		
144	600	244	300	Plant issue fee	<input type="text"/>																																																																																																																																																																																																		
122	130	122	130	Petitions to the Commissioner	<input type="text"/>																																																																																																																																																																																																		
123	50	123	50	Petitions related to provisional applications	<input type="text"/>																																																																																																																																																																																																		
126	180	126	180	Submission of Information Disclosure Stmt.	<input type="text"/>																																																																																																																																																																																																		
581	40	581	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>																																																																																																																																																																																																		
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>																																																																																																																																																																																																		
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>																																																																																																																																																																																																		
179	710	279	355	Request for Continued Examination (RCE)	<input type="text"/>																																																																																																																																																																																																		
169	900	169	900	Request for expedited examination of a design application	<input type="text"/>																																																																																																																																																																																																		
Other fee (specify)																																																																																																																																																																																																							
The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.																																																																																																																																																																																																							
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$0)																																																																																																																																																																																																			
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																							

Express Mail No.
EL 827035155 US

SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Annette S. Parent	Registration No. (Attorney/Agent)	42,058	Telephone	415-576-0200	
Signature	<i>Annette S. Parent</i>			Date	May 9, 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. SF 1222489 v1